

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

INDEED, INC.,

Plaintiff,

v.

ASIF KHAN AND TOO APREE, LLC,

Defendants.

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CIV. NO. 1:21-CV-00356-RP

**INDEED’S RESPONSE TO SHOW CAUSE
ORDER AND NOTICE OF DISMISSAL**

Plaintiff Indeed, Inc. (“Indeed”) files this (1) its response to the Court’s August 24, 2022 Order (Dkt. 31) (the “Show Cause Order”) and (2) its notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) as to defendant Too Apree, LLC, and in support thereof would respectfully show as follows:

1. On June 2, 2021, Indeed filed a Motion for Entry of Default Judgment against defendant Too Apree, LLC (“Too Apree”) (Dkt. 13). The Clerk’s Entry of Default against Too Apree was entered soon after. (Dkt. 16). Indeed’s Motion for Entry of Default against Too Apree (the “Too Apree Default Motion”) remains pending as of the date of this filing.

2. On June 14, 2021, Indeed filed its Motion for Entry of Default Judgment against defendant Asif Khan (Dkt. 22). The next day the Clerk entered a default against Khan. (Dkt. 24). As the Court observed in the Show Cause Order, on March 2, 2022, the Court entered default judgment against defendant Asif Khan (Dkt. 30) (the “Khan Default Order”), and thereby terminated him as a party to this action.

3. To date, the Court has not adjudicated the Too Apree Default Motion. In light of the Khan Default Order, and to avoid the expenditure of further time and effort by the Court,

Indeed hereby withdraws without prejudice the Too Apree Default Motion. In addition, pursuant to Fed. R. of Civ. P. 41(a)(1)(A), Indeed hereby notifies the Court that it dismisses its claims against Too Apree without prejudice to their refiling. This dismissal disposes of all remaining claims and issues in this lawsuit.

4. In light of this dismissal, Indeed respectfully requests that the Court enter final judgment by incorporating the terms of the Khan Default Order therein and upon its entry, close this case. Indeed is prepared to file a Motion for Entry of Final Judgment or a proposed final judgment if requested or required by the Court.

Respectfully submitted,

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